

Date: 24.03.2022

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Performing citizen's duty under Article 51A of the constitution

To,

1. Police Station In-charge

2. Commissioner of Police (Superintendent of Police)

Subject: Providing necessary legal support in performing our fundamental duties under article 51-A of the constitution of India by informing fellow citizens about the 1. **Policies of the Union of India regarding Covid 19 vaccinations and masks**, 2. various **Judgements of High Court's**, 3. ongoing **Criminal Writ Petitions in the Honourable Supreme Court of India and various High Courts**, 4. **Informed Consent** before taking vaccinations and side effects of vaccines and masks, 5. **Dangers of kids vaccination**

Sir/Mam,

1. We introduce ourselves as a composite of various groups of concerned citizens, lawyers, doctors, and parents. By writing to you we hope to garner support, co-operation in securing a safe environment for the citizens of the country.

2. We are in receipt of various orders of Maharashtra government differentiating between vaccinated and unvaccinated persons depriving unvaccinated persons of various facilities and putting restrictions on them.

3. Shri Rajesh Bhushan Union Home Secretary and Chairperson of National Executive Committee issued a letter dated 25th February 2022 to all States and UT's about taking various measures in **opening up economic and social activities**. Shri Ajay Bhalla Home Secretary issued a circular dated 23rd March 2022, directing all States and UT's that **henceforth NDMA has taken a decision that Disaster Management Act shall not be invoked by any State or UT for Covid containment measures**. Therefore henceforth it would be an offence for any authority to invoke DM Act and violate the fundamental rights of the citizens. Both the circulars are available on this link.

<https://drive.google.com/drive/folders/138-wj51ekqXmfr50165hBxuzRiOVHIFn?usp=sharing>

4. As per Union Government's own record and as per recent information given by the ICMR under RTI in January 2022 and also admitted by WHO it is clear that the **vaccination doesn't stop infection and therefore there cannot be any discrimination of any person on the basis of his vaccination status. The vaccinated people can get corona, they can spread infection and they can die due to corona. Vaccinated people can also be a super spreader**. Any mandate which discriminates between vaccinated and unvaccinated are violative of Article 14, 19 & 21 of the Constitution of India and therefore they are unconstitutional, illegal, null & void and vitiated.

Judgments of Seven High Courts :-

- i. **Registrar General Vs. State of Meghalaya** 2021 SCC OnLine Megh 130
 - ii. **Re Dinthar Incident Vs. State of Mizoram** 2021 SCC OnLine Gau 1313
 - iii. **Madan Mili Vs. Union of India** 2021 SCC OnLine Gau 1503
 - iv. **Osbert Khaling Vs. State of Manipur** 2021 SCC OnLine Mani 234
 - v. **Dr. Aniruddha Babar Vs. State of Nagaland** 2021 SCC OnLine Gau 1504
 - vi. **In –Re Vs. State of Nagaland** 2021 SCC OnLine Gau 1506
 - vii. **Feroze Mithiborwala Vs. State of Maharashtra** 2022 SCC OnLine Bom 356
5. Already Central Government in their **reply before Lok Sabha, reply under RTI** and also in their **Affidavit** before Supreme Court and High Court have specifically mentioned that;
- (i) Taking vaccine is completely voluntary and not mandatory.
 - (ii) There cannot be any discrimination on the basis of person's vaccination status.
 - (iii) No benefit or service can be denied to any citizen on the basis of his vaccination status.
6. In a recent affidavit dated 13th January, 2022 submitted before Supreme Court on behalf of Union of India which is affirmed by Dr. Veena Dhawan, Joint Commissioner (UIP) in the Ministry of Health & Family Welfare, Government of India, it is once again made clear that;
- (i) **The vaccination is voluntary and no one can be given a vaccine against his wish.**
 - (ii) **No one should be required to carry & show the vaccination certificate to any authority.**



(iii) Before giving vaccines to anyone, **each person should be informed about adverse side effects of vaccines** by the person/doctor giving vaccines.

7. In criminal writ petition no. St. 18017 of 2021 **Smt Kiran Yadav vs The State of Maharashtra & Ors**, the petitioners lone son, **Shri Hitesh Kadve, age 23**, died due to side effects of vaccine which was unwillingly taken by him due to condition put by the officials of the State of Maharashtra that, only vaccinated people can travel through the local train or enter mall and also the direction that the office staff of all private establishments should get vaccinated. A petition in the Bombay High Court filed by the **father of a medical student Dr Snehal Lunawat seeks Rs 1,000 crore compensation alleging that his daughter died due to side effects of the Covid-19 vaccine.**

<https://www.livelaw.in/news-updates/bombay-high-court-covid-19-vaccine-death-due-to-side-effect-1-crore-compensation-190899>

There have been many AEFI (After Effects Following Immunization) fatalities due to vaccine side effects. Also this dismantles false narratives that the vaccines are 110% safe.

Many deaths have occurred post Covid vaccination even amongst young adults in India as well and the following link provides a list of more than **12,586** deaths following covid vaccination as reported in media.

https://drive.google.com/file/d/1uikc1a6_KDzUx7HNLrfwaI1NJRt0D_YP/view

8. There is no availability of long term safety data for Covid-19 vaccines, as the vaccines were developed fast, using a new experimental technology and they are being used under **Emergency Use Authorization**, which means that this is an ongoing global clinical trial pending full FDA approval. Whereas, there are safer methods to mitigate Covid-19, such as the AYUSH



approved Ayurvedic protocol, Anandaiah's protocol and Homeopathic protocol for Covid-19.

<https://drive.google.com/file/d/1HI76y7BwU8i57z5Z3xk8XbPvMzG366II/view?usp=sharing>

9. To see how devastatingly damaging and life-threatening the side effects of Covid-19 vaccines are, please follow these steps > Go to www.vigiaccess.org > Scroll to the bottom of the page and click – 'I understand' > Click 'Search Database' and type in 'Covid-19 Vaccine' and click Search > Click ADRs then click on each ADR for its details.

Keeping the above in mind, stringent adherence to '**Informed Consent**' is of utmost importance. These provisions were made keeping ethics and safety in mind. Experimental medical malfeasance carries serious legal liabilities. **Informed Consent** is the bedrock principle on which most of modern research ethics rest... This is at the heart of the crucial ethical provision stated in the first words of the Nuremberg Code, and it remains equally compelling a half century later. The principles enshrined in the Nuremberg Code came into being following the painstaking trials of those who participated in biological war crimes during the Nazi regime. These codes were put in place to protect our bodily integrity <https://bioethics.nih.gov/sites/nihbioethics/files/bioethics-files/courses/pdf/2012/Grady2.pdf>

Japan is now labelling covid vaccine with warnings of dangerous and potentially deadly side effects such as Myocarditis. The country is reaffirming its commitment to 'informed consent' and adverse event reporting requirements, to ensure that all possible side effects are documented.

10. That as per law laid down by the Hon'ble Supreme Court in **Common Cause Vs. Union of India (2018) 5SCC 1** the accused were not authorized

to put any question to the complainant as to why he has not taken the vaccine.

Hon'ble Supreme Court in **Common Cause's case (supra)** made the law clear as under;

“202.8. An inquiry into Common Law jurisdictions reveals that all adults with the capacity to consent have the right of self-determination and autonomy. The said rights pave the way for the right to refuse medical treatment which has acclaimed universal recognition. A competent person who has come of age has the right to refuse specific treatment or all treatment or opt for an alternative treatment, even if such decision entails a risk of death.

202.9. Right to life and liberty as envisaged under Article 21 of the Constitution is meaningless unless it encompasses within its sphere individual dignity. With the passage of time, this Court has expanded the spectrum of Article 21 to include within it the right to live with dignity as component of right to life and liberty.

306. In addition to personal autonomy, other facets of human dignity, namely, “self-expression” and “right to determine” also support the argument that it is the choice of the patient to receive or not to receive treatment.”

11. According to guidelines of Ministry of Health and Family Welfare

“4.1 Persons having no symptoms are not to use mask Medical masks should not be used by healthy persons who are not having any symptoms because it creates a false sense of security that can lead to neglecting other essential measures such as washing of hands. Further, there is no scientific evidence to show health benefit of using masks for non-sick persons in the community. In fact, erroneous use of masks or continuous use of a



disposable mask for longer than 6 hours or repeated use of same mask may actually increase risk of getting an infection. It also incurs unnecessary cost.”

12. The Ministry of Health and Family Welfare’s response to an RTI dated **27th May 2021** to Shri Sourav Bysack is as under:

“Question 1: Is face mask compulsory for everyone ?

Answer: Use of mask/face cover has been advised to all in various SOPs/Guidelines issued by MoHFW. However as per these guidelines/SOPs its use has not been explicitly made mandatory.”

13. The ICMR National Institute of Virology under the Department of Health Research, Ministry of Health and Family Welfare’s response to an RTI dated 14th September 2021 to Shri Vijay Ramdas Tathe is as under:

“Question 2: Kindly provide scientific study and proof that tell us wearing a mask prevents spread of coronavirus ?

Answer: No study has been carried out on this subject and hence information cannot be provided.”

14. The ICMR’s response to an RTI dated 09th January 2022 to Amit Chouhan is as under:

“Question 1: Has any scientific study been done in India to prove that the 6 feet Physical Distancing can prevent the transmission of Covid 19 ?”

“Question 2: Has any scientific study been done in India to prove that the sanitizer is safe and effective with respect to Covid 19 ?”

“Question 3: Has any scientific study been carried out in India to prove that the lockdown can break the chain of transmission of Covid 19 ?”



“Answer: Point no. 1, 2, 3) ICMR has not conducted such studies”

15. The ICMR National Institute of Virology under the Department of Health Research, Ministry of Health and Family Welfare’s response to an RTI dated 14th January 2022 to Shri Shrekanth RG is as under:

“Question 1: Evidence documents of scientific experiments conducted for the conclusion and declaration of corona Covid-19 as an infectious disease.

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 2: Evidence documents of scientific experiments conducted by the Indian government or ICMR or NIV to detect the Corona Covid-19 virus and how it spreads in the community ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 4: Provide evidence documents of scientific experiments conducted to prove that wearing of face mask which can reduce a persons breathing ability and social distancing will prevent or reduce the spread of infectious disease ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 5: Reports and evidence from scientific studies conducted to prove that if Corona Covid-19 is an infectious disease then that is not transmitted or less transmitted to others by those who have been vaccinated and that it is only transmitted or increasingly spread by those who have not been vaccinated ?



Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 6: Has any law been passed to state that Covid-19 vaccine is mandatory ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 8: If the vaccine is declared safe then can you guarantee that the vaccine that is administered provides 100 percent protection from another occurrence of Corona Infection.

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 9: Does ICMR or NIV or MOHFW or any government or private vaccine companies or bodies provide compensation or insurance for any loss of any kind because of adverse reaction after taking the vaccine ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 10: Is wearing of masks mandatory to shield one from getting infected from Covid-19 if yes then please provide details or results of scientific study or medical research or experiments conducted by ICMR or NIV or MOHFW or any other government body to prove that wearing of masks can prevent spread of Covid 19 ?

Answer: This is not part of our records. Hence, this information cannot be shared.”



“Question 11: Is an RTPCR and a Rapid PCR test mandatory for healthy person to travel within the country or outside the country ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

“Question 12: If yes (referring to above Question 11) please provide the details of any scientific study or medical research or experiments conducted the ICMR or NIV or MOHFW or any other government body to substantiate that RTPCR and the Rapid PCR tests certainly help in identification of Covid 19 infection ?

Answer: This is not part of our records. Hence, this information cannot be shared.”

16. In the reply to appeal filed by Shri Ambar Koiri the ICMR has given the following clarification to the RTI query as under:

RTI Query: Reports and evidence from scientific studies conducted to prove that if corona Covid-19 is an infectious disease then that is not transmitted to others by those who have been vaccinated and that it is only transmitted or increasingly spread by those who have not been vaccinated.

Answer: ICMR has not conducted any study to assess the transmission potential of SARS-CoV-2 in vaccinated vs unvaccinated individuals. Therefore, the requested information is not available with ICMR.

17. **From the above responses to RTI’s it is clear that there is no proof with any authority that use of masks, sanitizer, 6 feet distancing, lockdown prevent the spread of Covid 19.**

Moreover please refer to the news article titled: **47 studies confirm ineffectiveness of masks for COVID and 32 more confirm their negative health effects**



https://www.lifesitenews.com/news/47-studies-confirm-ineffectiveness-of-masks-for-covid-and-32-more-confirm-their-negative-health-effects/?fbclid=IwAR1ksLTTglmF31y90NjCW3vjUo_CHLG5v2oqN0df7ghwcZEwTc1zVBwsz0M

18. In CRIMINAL WRIT PETITION NO.1546 OF 2020, Bombay bench at Aurangabad, where there was FIR on persons not wearing masks was quashed. The court on 19.01.2022 ruled as follows:

*“14. In the present case, the informant i.e. **respondent No.2 is not a public servant as contemplated in Section 186 of I.P.C.** He was merely a Member of squad which was formed to take prohibitory measures in spreading of Covid-19 at the relevant time. Further, from the F.I.R. itself it appears that he was merely working in Corporation, Aurangabad in the Solid Waste Department. Further, **at the time of the alleged incident he was not discharging any duty of public servant, but was merely appointed for taking precautionary measures during the spread of Covid-19.** He was not even an administrative subordinate of the Commissioner of Municipal Corporation, Aurangabad, who had promulgated order under subject. Therefore, the bar under Section 195 (1) of Cr.P.C. clearly applies in the instant matter, and thus , the learned **Judicial Magistrate, First Class, Aurangabad in whose Court S.C.C. No. 7144 of 2020 is pending in respect of the aforesaid crime, is not at all empowered to take cognizance of the same.***

*15. Therefore, having regard to the aforesaid facts and discussion, we are of the opinion that **the criminal prosecution launched against the present petitioner under Sections 186 and 188 of the I.P.C. is liable to be quashed in view of the specific bar under Section 195 (1) of Cr.P.C.** Accordingly, we pass the following order.*

ORDER



- (i) Criminal Writ Petition is hereby allowed in terms of prayer clause [A].*
- (ii) Rule is made absolute in above terms.*
- (iii) Criminal Writ Petition is accordingly disposed of.”*

19. The Police are also rampantly and scandalously using section 269 of IPC to harass the common public to extort money when there is no proof with any authority that following any Covid Protocol prevents the spread of Coronavirus.

20. People not following unscientific, illegal Covid Protocols of the State government cannot be made liable under Section 51B of Disaster Management Act because the Central Government has clearly stated in Covid Guidelines that healthy people should not wear masks and state government circular or guidelines cannot go against the Central government. The Disaster Management Act does not envisage collecting fines hence any order or guideline which directs collection of fine is illegal and ultra vires and is liable to be quashed. According to the Judgement laid down by the hon'ble Supreme Court in the case of **Nandini Satpathy Vs. P.L. Dani(1978) 2 SCC 424, Re: M.P. Dwivedi (1996) 4 SCC 152** any authority has to obey only legal guidelines/SOP/Orders of government and not illegal guidelines/SOP/Orders. Infact those officers who maliciously take any action against citizens are liable to be prosecuted under Section 51B and 55 of the Act because they are working against the guidelines of the Central Government.

21. Citizens on which such frivolous, baseless FIR/Chargesheet have been filed for non adherence to such unscientific, illegal Covid Protocols and had to face mental torture, loss of business, loss of income etc can pray to court

- (i) to discharge, quash such FIR



(ii) Under section 340 of CrPC prosecute the concerned Police officer, Government Pleader, marshalls, and those officers who promulgated such illegal orders to make them liable under IPC 211, 220, 109, 120B, 341, 342

22. We at **Awaken India Movement** have issued a **Letter of Liability for School Principals, Administrators** and other Authorities, forcing children to take experimental corona vaccines and thereby putting their life in danger.

23. The **Indian Bar Association** has also issued a document duly signed by Adv. Dipali Ojha clearly outlining the scientific and legal aspects of vaccinating children. This document outlines the law of '**Informed Consent**' and fixes the liability upon school Authority, Principal etc. who are violating the law and forcing the children to take experimental corona vaccines and thereby putting their life in danger.

24. Awaken India Movement (AIM) has sent details of Covid Vaccine deaths covered by media/social media in India as on 04.02.2022 to various high authorities of our country.

Vaccine Deaths in India covered by the Media! File updated till Victim #12586

https://drive.google.com/file/d/1uikc1a6_KDzUx7HNLrfgwaI1NJRt0D_YP/view?usp=sharing



CHILDREN Vaccine Deaths in India covered by the Media! File updated till Victim #20

<https://docs.google.com/document/d/1LZJDp-ub6BfVt-nnc8daISgemhkRieQG/edit?usp=sharing&oid=103856627695944525595&rtpof=true&sd=true>



25. The Indian Council for Medical Research ICMR in its **Advisory on Purposive Testing Strategy for COVID-19 in India** (Version VII, dated 10th January 2022) has stated on who should not be tested:

“People who need not be tested:

- 1. Asymptomatic individuals in community settings*
- 2. Contacts of confirmed cases of COVID-19 unless identified as high risk based on age or co-morbidities*
- 3. Patients who stand discharged as per home isolation guidelines*
- 4. Patients being discharged from a COVID-19 facility as per revised discharge policy*
- 5. Individuals undertaking inter-state domestic travel”*

Hence using force or coercion to perform RTPCR test on healthy individuals against their consent would be violation of his fundamental rights.

26. Any person affected by lockdown and other restrictions can file for **compensation** U/Sec. 2 OF EPIDEMIC DISEASES ACT, 1897 AND Sec. 12 OF DISASTER MANAGEMENT ACT, 2005, for losses caused to

him/her.

27. In the light of above developments we consider it our solemn duty to inform fellow citizens about their rights and about ongoing developments which affect the life and liberty of common citizens. Our intentions are fortified by S.N. Dhingra J. in case of Aniruddha Bahal vs State 2010 (119) DRJ 102 which states as follows:

“Duty of a citizen under Article 51A(h) is to develop a spirit of inquiry and reforms. It is fundamental right of citizens of this country to have a clean & incorruptible judiciary, legislature, executive and other organs and in order to achieve this fundamental right every citizen has a corresponding duty to expose corruption wherever he finds. Constitution of India mandates citizens to act as agent provocateurs to bring out and expose and uproot the corruption”.

Further Supreme Court in Indirect Tax Practitioners Association vs Jain (2010) 8 SCC 281, it is ruled as under;

“TRUTH should not be allowed to be silenced by using power of Contempt used by unscrupulous petitioners - Exposing corruption in Judiciary is Duty of every citizen as per Art. 51 - A (h) of Constitution of India - LET TRUTH AND FALSEHOOD GRAPPLE - WHOEVER KNEW TRUTH PUT TO THE WORSE, IN A FREE AND OPEN ENCOUNTER - TRUTH IS STRONG, NEXT TO THE ALMIGHTY; SHE NEEDS NO POLICIES, NO STRATAGEMS, NO LICENSINGS TO MAKE HER VICTORIOUS; THOSE ARE THE SHIFTS AND DEFENCES THAT ERROR MAKES AGAINST HER POWER.”



28. To inform citizens about above mentioned facts and developments we would be running information campaigns in **Covid Vaccine Centres**, hospitals, schools, colleges, housing societies, markets and give the above information in the areas of **Mumbai and Mumbai Suburban**.

This is our notice to you to participate in the information campaign and/or provide us security lest anyone try to obstruct us.

Yours Sincerely
Awaken India Movement Team